

## Message Text

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ACTION EB-07

INFO OCT-01 ISO-00 IO-10 OIC-02 AF-06 ARA-06 EA-07 EUR-12

NEA-10 SSO-00 NSCE-00 USIE-00 INRE-00 AGR-05 CEA-01

CIAE-00 COME-00 DODE-00 FRB-03 H-02 INR-07 INT-05

L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15

STR-04 TAR-01 TRSE-00 PRS-01 SP-02 FEAE-00 OMB-01

/127 W

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O R 211640Z NOV 75

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 6943

INFO AMEMBASSY BERN

AMEMBASSY BRASILIA

AMEMBASSY OTTAWA

AMEMBASSY TOKYO

USMISSION EC BRUSSELS

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E.O. 11652: N/A

TAGS: GATT ETRD

SUBJECT: BRAZILIAN GATT WAIVER

REF: (A) STATE 275475 (B) STATE 274539 (C) OTTAWA 4341

1. IN NOVEMBER 21 GATT COUNCIL DISCUSSION SUBJECT ISSUE, US  
PRESENTED STATEMENT AS SUGGESTED REFTEL (B) AND ASKING (1)  
THAT PREAMBULAR PARAGRAPH BE ADDED STATING "RECOGNIZING THE  
DESIRABILITY OF MAINTAINING A GENERAL LEVEL OF MUTUALLY ADVAN-  
TAGEOUS CONCESSIONS THAT WILL FAVOR HIGH AND EXPANING LEVELS  
OF TRADE," AND (2) THAT REFERENCE TO ART XXVI BE REPLACED  
BY GENERAL REFERENCE TO PART IV. WHILE CANADA JOINED IN OUR  
REQUEST FOR DELETION OF SPECIFIC REFERENCE TO ART XXXVI:8,  
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NO DEL OPPOSED DRAFT WAIVER OUTRIGHT. CANADA SAID PREAMBULAR

PARAGRAPH WAS USEFUL ADDITION. EC MERELY NOTED THEIR OPINION THAT THIS WAIVER INVOLVES CONCESSION PREVIOUSLY GRANTED BUT NOT IMPLEMENTED. SWISS INTERVENTION WAS NEUTRAL, JAPAN SUPPORTED WAIVER AND ONLY HOPED NEGOTIATIONS WOULD MOVE QUICKLY.

2. BRAZILIAN INTERVENTION WAS MODERATE IN TONE AND RESPONSIVE IN SUBSTANCE. BRAZIL SAID THERE NO LEGAL BASIS FOR EXCLUDING REFERENCE TO ART XXXVI:8 IN THIS CASE BUT ACCEPTED OUTRIGHT US PREAMBULAR ADDITION CITED ABOVE. BRAZIL WENT ON TO STATE THAT ART XXXVI:8 DOES NOT RELIEVE LDCS OF ALL OBLIGATIONS TO MAINTAIN A FAVORABLE BALANCE OF CONCESSIONS.

3. THIS ITEM TOOK FULL 1-1/2 HOURS, DURING WHICH PARADE OF LDCS SUPPORTED BRAZIL ON MAINTAINING REFERENCE TO ART XXXVI:8 BUT JOINED BRAZIL IN AGREEING TO US PREAMBULAR ADDITION. SEVERAL LDCS SAID PART IV IS UNSATISFACTORY AND NEEDS BE STRENGTHENED, NOT WEAKENED. COUNCIL VITRULLY UNANIMOUS THAT US HAD NO LEGAL CASE ON DELETING REFERENCE ART XXXVI. THE SUPRISINGLY EVEN STATEMENT BY INDIA IS OF PARTICULAR INTEREST. INDIA SAID IT FOLLOWS FROM ART XXXVI:8 THAT LDCS WILL BE EXPECTED TO GIVE RECIPROCITY NOT INCONSISTENT WITH TRADE, FINANCIAL, DEVELOPMENT NEEDS. COUNCIL APPROVED WAIVER TEXT AS DRAFTED PLUS US ADDITION CITED ABOVE; CPS TO TAKE DECISION DURING NOVEMBER 26-28 SESSION. US EXPRESSED APPRECIATION ADDITION OF OUR PROPOSED PREAMBULAR PARA, PROMISED REPORT FULLY VIEWS OF OTHERS OPPOSING DELETION OF REFERENCE TO ART XXXVI, AND RESERVED US POSITION CONCERNING ATTITUDE WE WOULD TAKE WHEN MATTER VOTED ON IN CP SESSION NEXT WEEK.

4. RECOMMENDATION: MISSION BELIEVES ADDITION TO WAIVER CONCERNING MUTUALLY ADVANTEGOUS CONCESSIONS--WHICH WE NOTE WAS NOT OPPOSED BY ANY LDC--PLUS BRAZILIAN STATEMENT REFLECTED PARA 2 ABOVE PRESENT USEFUL PROGRESS FOR US. FURTHER ENTRENCHMENT COULD ONLY HEIGHTEN OUR ISOLATION AND MIGHT BE RECEIVED AS UNCONSIDERED INFLEXIBILITY ON OUR PART. RECOMMEND US STATE AT NEXT WEEK'S LIMITED OFFICIAL USE

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CP SESSION THAT IN OUR VIEW ACCEPTANCE OUR PREAMBULAR PARAGRAPH AND CONSIDERING VERY USEFUL COUNCIL DISCUSSION ON RECIPROCITY, US DOES NOT WISH OBSTRUCT CONCENSUS. ALSO ASK AUTHORITY VOTE IN FAVOR OF WAIVER AS AMENDED. DALE

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** INSTRUCTIONS, TARIFF NEGOTIATIONS, COMMITTEE MEETINGS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 21 NOV 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** SmithRJ  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975GENEVA08783  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750406-0516  
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**Office:** ACTION EB  
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**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
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**Reference:** 75 STATE 275475, 75 STATE 274539, 75 OTTAWA 4341  
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Margaret P. Grafeld  
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EO Systematic Review  
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**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** BRAZILIAN GATT WAIVER  
**TAGS:** ETRD, US, BR, GATT  
**To:** STATE  
**Type:** TE  
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